

3

DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: May 9, 2006

ZMAP 2004-0005—Avonlea Plaza

DECISION DEADLINE: June 6, 2006

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Lou Mosurak, AICP

EXECUTIVE SUMMARY

Diamond Properties, LLC of Fairfax, Virginia has submitted an application to rezone approximately 33.25 acres from the CLI (Commercial Light Industry) zoning districts to the PD-CC(SC) (Planned Development—Commercial Center (Small Regional Center)) zoning district, in order to develop up to 300,000 square feet of any or all of the uses permitted in the PD-CC(SC) zoning district at an approximate Floor Area Ratio (FAR) of 0.207. The entire property is located within the AI (Airport Impact) Overlay District outside of but within one (1) mile of the Ldn 60 aircraft noise contour. This application is subject to the Revised 1993 Zoning Ordinance. The applicant is also requesting modifications of the following Zoning Ordinance sections: (1) Section 4-206(D)(3), Building Requirements, Vehicular Access (Small Regional Centers), and Section 4-202(C), Purpose, Size and Location of Individual Districts (Small Regional Center (SC)), in order to permit direct access to a road other than a major collector; and (2) Section 4-206(E)(2), Development Setback and Access from Major Roads, in order to permit an individual lot or use to have direct access to a major collector road; modifications are outlined below beginning on Page 4. The property is located on the south side of John Mosby Highway (U.S. Route 50), east of Pinebrook Road (Route 827), and west of Loudoun County Parkway (Route 606) in the Dulles Election District. The area is governed by the policies of the Revised General Plan and the Dulles South Area Management Plan. The Revised General Plan designates this area as part of the Suburban Policy Area (Dulles Community), which recommends this property for corridor retail uses with no specified maximum non-residential density.

RECOMMENDATIONS

Planning Commission

On April 3, 2006, the Planning Commission voted 7-0-2 (Syska, Volpe—absent) to forward this application to the Board of Supervisors with a recommendation of approval, based on findings (listed on Page 6 of this report) and subject to the Proffer Statement as revised through March 27, 2006. (Proffers have been subsequently revised and have been approved as to legal form; proffers are now dated April 24, 2006). Further discussion of the Planning Commission's recommendation is provided beginning on Page 5.

Staff

Staff concurs with the Planning Commission's recommendation of approval.

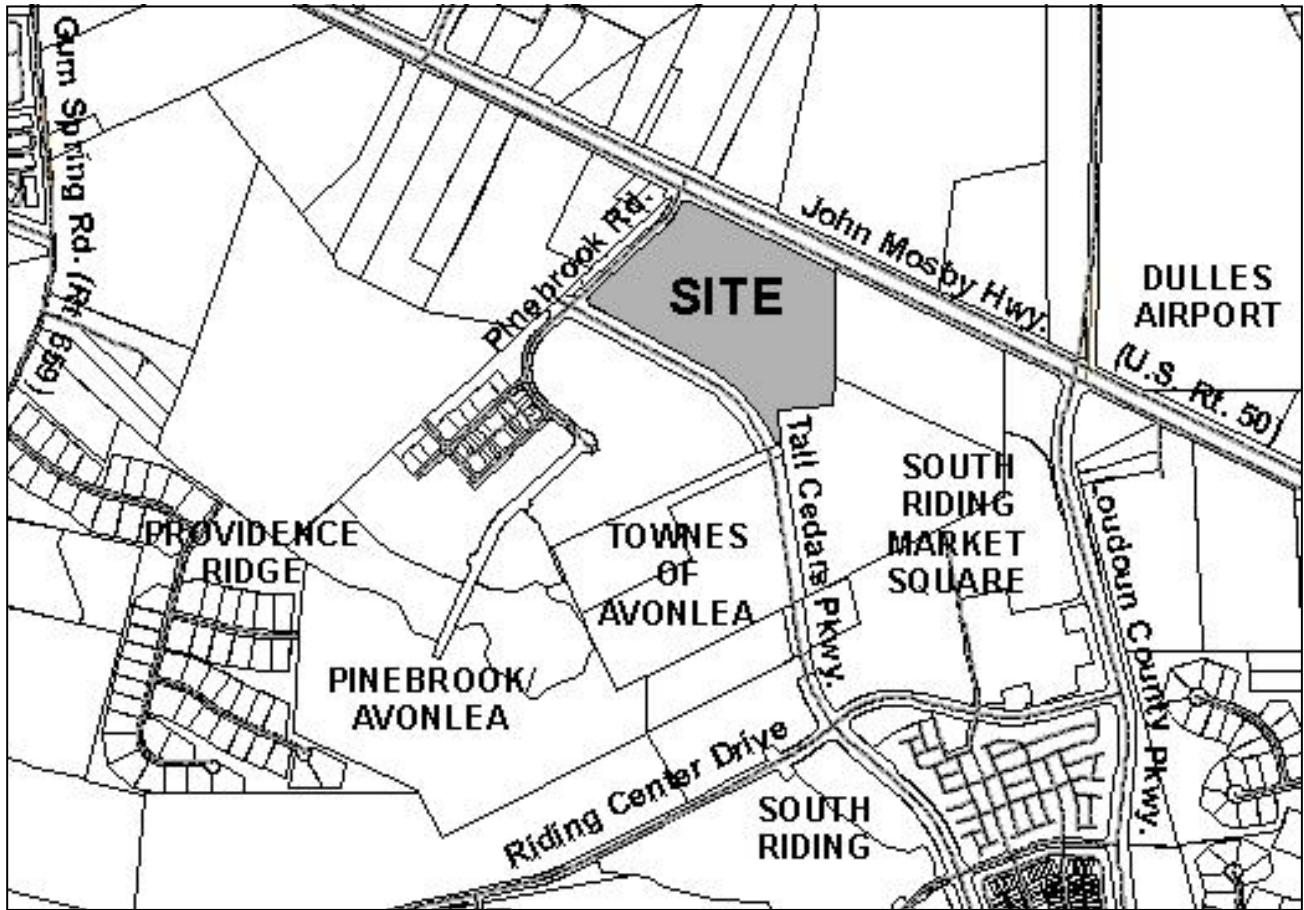
SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward ZMAP 2004-0005, Avonlea Plaza, to the June 6, 2006 Board Business Meeting for action.

OR

2. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take Route 621 (Evergreen Mills Road) south to Arcola. Turn right on Route 659 (Gum Spring Road) and proceed south to U.S. Route 50 (John Mosby Highway). Turn left on U.S. Route 50 and proceed east approximately one mile to the Route 827 (Pinebrook Road). Turn right on Pinebrook Road. Site is located on the left side of Pinebrook Road.

TABLE OF CONTENTS

I.	Application Information	4
II.	Summary of Discussion	5
III.	Planning Commission Review & Recommendation.....	5
IV.	Project Review	6
A.	Context	6
B.	Summary of Outstanding Issues.....	8
C.	Overall Analysis.....	8
D.	Zoning Ordinance Modifications.....	12
E.	Zoning Ordinance Criteria for Approval	15
V.	Attachments	18

I. APPLICATION INFORMATION

APPLICANT Diamond Properties, LLC
Searcy J. Baker
3919 Old Lee Highway, Suite 82A
Fairfax, Virginia 22030
(703) 934-1205 x 112

REPRESENTATIVE Stephen P. Robin, Esq.
101-A South King Street
Leesburg, Virginia 20175
(703) 443-1001

APPLICANT'S REQUEST ZMAP (w/ZMOD): Rezone 33.25 acres to the PD-CC(SC) zoning district, in order to develop up to 300,000 sq ft of retail uses at approximate Floor Area Ratio (FAR) of 0.207, with the following Zoning Ordinance modifications: Section 4-206(D)(3), Building Requirements, Vehicular Access (Small Regional Centers), and Section 4-202(C), Purpose, Size and Location of Individual Districts (Small Regional Center (SC)), in order to permit direct access to a road other than a major collector; and Section 4-206(E)(2), Development Setback and Access from Major Roads, in order to permit an individual lot or use to have direct access to a major collector road.

LOCATION South side of John Mosby Highway (U.S. Route 50), east of Pinebrook Road (Route 827), and west of Loudoun County Parkway in the Dulles Election District.

TAX MAP/PARCEL #s Tax Map 101, Parcel 47A, and portions of Tax Map 101, Parcels 47 and 48A (MCPI#s 163-17-6609, 163-17-5121, and 164-47-4519).

ZONING CLI

ACREAGE OF SITE Approximately 33.25 acres

SURROUNDING ZONING/ LAND USES

	ZONING	PRESENT LAND USES
North	CLI	Vacant, Industrial, Single Family Residential
South	CLI, PD-H4	Vacant, Residential (Pinebrook/Avonlea)
East	CLI	Single Family Residential, Vacant
West	CLI, PD-H4	Vacant, Industrial

II. SUMMARY OF DISCUSSION

Topic/Issue Area	Issues Examined and Status
Land Use	Conformance with <u>Revised General Plan</u> with respect to land use and density – no outstanding issues.
Site Design	Conformance with design guidelines of Retail Plan; commitment to “Main Street” concept; landscaping and buffering; site access – no outstanding issues.
Existing Site Conditions	Commitments to retain existing tree cover as part of eastern site buffer; commitments to LID techniques on site for stormwater management and prioritization of stream and wetlands mitigation – no outstanding issues.
Zoning	Compliance with <u>Revised 1993 Zoning Ordinance</u> and modifications necessary for proposed development; coordination of proffer language and CDP to ensure “Main Street” design concept – no outstanding issues.
Transportation	Site access; dedication of regional road right-of-way; construction of off-site improvements (Tall Cedars Parkway) and provision of fair-share regional road contribution for other transportation improvements in the vicinity (Loudoun County Parkway/U.S. Route 50 interchange); provision of traffic signals near the site; contribution for transit services/facilities; multi-use trail along Pinebrook Road and Tall Cedars Parkway – no outstanding issues.
Utilities	Adequate utility provision to the site – no outstanding issues.
Emergency Services	Site access, building code compliance, and contributions to volunteer emergency service providers; – no outstanding issues.
Proffers	<p>Proffer statement approved as to legal form – no outstanding issues.</p> <p><u>Cash Contribution Summary</u></p> <ul style="list-style-type: none"> • Capital Facilities contribution not anticipated (non-residential project). • Transportation contribution of \$2,200,000.00 for design and/or construction of interchange at Loudoun County Parkway and U.S. Route 50; additional contribution of \$50,000.00 toward a park and ride lot or other mass transit facilities in the U.S. Route 50 Corridor. Provision of \$200,000.00 each for traffic signals at Pinebrook/Tall Cedars and Tall Cedars/Western Site Entrance should signals not be warranted by time of issuance of zoning permit for 250,000th sq ft of development on the site. • Fire & Rescue contribution of \$0.10 per gross square foot of commercial development on the site (total of \$30,000.00). Contribution to be escalated from base year of 1988 (\$48,426.00 in 2005 dollars). Consistent with other recent approvals.

III. PLANNING COMMISSION REVIEW & RECOMMENDATION

The Planning Commission held a public hearing on this application on January 23, 2006. No members of the public spoke at the hearing. The Commission expressed serious reservations about the project, and made particular comments relating to (1) the lack of specificity regarding site

layout and overall commitment to the proposed “Main Street” design on the part of the Applicant, and (2) transportation concerns, including site access, off-site road construction, and regional road contributions. The Commission voted 9-0 to forward the application to committee for further discussion.

The Applicant made a number of revisions to the application to address Planning Commission and staff concerns, and the item was again considered by the Commission at a committee meeting on March 6, 2006. At that time, the Applicant was only committing to the site layout for approximately the western one-half of the site, given that specific users had not been determined for the larger buildings proposed for the eastern one-half of the site. The Commission expressed concerns that the “Main Street” design may not be realized in such a scenario, and suggested that the Applicant depict more than one option for the eastern one-half of the site. The Commission voted 6-0-3 (Beerman, Herbert, Whitmore—absent) to forward the application to a second committee meeting for further discussion. The Applicant made the changes suggested by the Commission and provided two possible designs for the eastern one-half of the property (depicted on Sheets 4 and 4A of the CDP). Drive aisle sections illustrating the proposed “Main Street” design with requisite streetscapes were also provided (depicted on Sheet 5 of the CDP). These changes were presented to the Commission at a committee meeting on April 3, 2006, at which time the Commission voted 7-0-2 (Syska, Volpe—absent) to forward the application to the Board of Supervisors with a recommendation of approval, based on the findings listed below. All outstanding issues (including transportation and site access) have been resolved through revisions to the CDP and proffer statement.

Planning Commission Findings

1. The application is consistent with the land use and density policies of the Revised General Plan and provides commitments for implementation of a “Main Street” design on site. Such a design is consistent with the design guidelines contained in the Countywide Retail Policy Plan Amendment (Retail Plan), which encourage unified architectural themes, usable outdoor spaces, and a pedestrian-friendly environment.
2. The application, with proposed modifications described on Sheet 2 of the CDP, complies with the applicable requirements of the Revised 1993 Zoning Ordinance.
3. The application adequately mitigates its transportation impacts through proffered contributions.

IV. PROJECT REVIEW

A. CONTEXT

Diamond Properties LLC of Fairfax, Virginia has submitted an application to rezone approximately 33.25 acres from the CLI (Commercial Light Industry) zoning district to the PD-CC(SC) (Planned Development—Commercial Center (Small Regional Center)), in order to develop up to 300,000 sq ft of any or all of the uses permitted in the PD-CC(SC) zoning district, at an approximate Floor Area Ratio (FAR) of 0.207. The entire property is also located within the Airport Impact (AI) Overlay District (60 Ldn one-mile buffer). The site is located on the south side of John Mosby Highway (U.S. Route 50), east of Pinebrook Road (Route 827) and west of Loudoun County Parkway (Route 606). Tall Cedars Parkway (the U.S. Route 50 south parallel road) runs along the southern boundary of the site (a small portion of the site extends south of Tall Cedars Parkway, and is identified as a possible location of a stormwater management facility). The project is to serve as

the commercial component of the Pinebrook Village (now Avonlea) residential development (ZMAP 2001-0004), located along Pinebrook Road to the south of Tall Cedars Parkway. Pinebrook/Avonlea was approved in May 2003 for a total of 414 residential dwelling units (69 detached and 345 attached units) at an overall density of approximately 3.52 dwelling units per acre, along with a day care center. The residential portions of Pinebrook/Avonlea are currently under construction.

The site is primarily level and the majority of the property is wooded, with the exception of approximately seven acres along Pinebrook Road in the western portion of the site that previously housed a contractors service yard and sales office for the Pinebrook/Avonlea development. Tree cover along the eastern boundary of the site appears to be suitable for use as part of the required buffer yard between this site and the property directly to the east. The site drains toward the south to the Elk Lick Run minor floodplain located to the south of the proposed alignment for Tall Cedars Parkway. No floodplain is present on the site, though areas of jurisdictional wetlands¹ are present on the property.

As for other development in the surrounding area, a number of retail and other commercial projects are proposed along this portion of the U.S. Route 50 Corridor. In addition to the anticipated rezoning for retail uses on the Bryant Property (just east of this site) as part of South Riding Market Square, Dulles Landing/Beatty (ZMAP 2005-0016) proposes approximately 725,000 sq ft of retail uses just across U.S. Route 50, at the northwest corner of U.S. Route 50 and Loudoun County Parkway (Route 606), and Arcola Center (ZMAP 2005-0035) proposes approximately 1.1 million sq ft of retail uses just to the northwest of this site on the north side of U.S. Route 50. Other commercial uses are proposed on the parcels just west of the subject property, across Pinebrook Road (along the south side of U.S. Route 50). Residential development is also underway in the area as well, including nearby areas of South Riding (south of South Riding Market Square near Riding Center Drive), and the 63-lot Providence Ridge subdivision (SBPL 2001-0054), now being developed just west of Pinebrook/Avonlea. The Board recently approved the Townes of Avonlea rezoning application (ZMAP 2004-0021), which permits 117 townhouses on approximately 31 acres largely surrounded by Pinebrook/Avonlea.

Since this application was accepted for review in July 2004, the Applicant has significantly re-designed this proposal from a conventional retail development into the "Main Street" concept currently proposed, and has withdrawn its special exception application (SPEX 2004-0017) for drive through bank facilities on site as that use is now permitted by-right pursuant to ZOAM 2004-0005. Staff notes that the timeline for this rezoning application stopped from December 2004 through June 2005 as staff awaited the Applicant's response to first referral comments.

At the time of the Planning Commission public hearing in January 2006, there were a number of significant outstanding issues with this application. Since that time, the Applicant, in response to staff and Planning Commission requests, has made significant revisions to the proposal, including elimination of the proposed direct access to the site from eastbound U.S. Route 50, a definitive proffered commitment to the proposed "Main Street" design, and adequate mitigation of transportation impacts through proffered off-site construction and cash contributions. All issues have been resolved.

¹ Jurisdictional wetlands include wetlands and certain streams and waterways that are subject to state and federal permitting requirements.

This property is located in Segment 2 of the Route 50 Task Force area, and the Planning Commission is currently reviewing draft policies for this portion of the corridor. The planned land use in this area calls for Corridor Retail type activities, which are envisioned to be consistent with the Task Force recommendations, subject to the development of policy clarifications through the current CPAM process.

B. SUMMARY OF OUTSTANDING ISSUES

All issues with this application have been resolved. Signed proffers will be provided at the public hearing.

C. OVERALL ANALYSIS

LAND USE

The proposed development site is governed by the Revised General Plan and by the Dulles South Area Management Plan (DSAMP). Being the newer of the two plans, the Revised General Plan supersedes the DSAMP when there is a policy conflict between the two and when the Revised General Plan provides more details on any aspect of land development. The site is located within the Suburban Policy Area (Dulles Community) and is designated for Corridor Retail residential uses (Revised General Plan, Planned Land Use Map, p. 7-23). The Countywide Retail Policy Plan Amendment (Retail Plan) anticipates the Corridor Retail area to support up to 2 million sq ft of retail uses, one million sq ft on either side of U.S. Route 50 (Retail Plan, Policies 1 and 5, p. 11 and 12). As mentioned above, there are a number of other additional approved and proposed retail uses both within and in close proximity to the Corridor Retail area. In the area immediately surrounding the site, these include the proposed Dulles Landing and revised Arcola Center projects, as well as existing and proposed additional retail uses in South Riding Market Square. Further west, the recently-opened Stone Ridge Village Center and the approved Gum Spring Village Center provide retail services. The commercial uses proposed for this site are consistent with the Corridor Retail land use designation as outlined in the Revised General Plan and the applicable policies of the Retail Plan.

SITE DESIGN

As mentioned above, the Applicant indicates its intent to develop a "Main Street" project on the site including a grid street pattern, buildings set close to the street, and usable landscaped outdoor areas (including a pedestrian plaza). The Applicant has made definitive proffered commitments to such a design, including detailed language in the text of the proffers (in lieu of separate design guidelines) and detailed, proffered drive-aisle sections for the north-south and east-west spine roads on site which depict pedestrian areas and the building faces. Two possible layouts for larger anchor store buildings on the eastern one-half of the site are also provided, with both options continuing the east-west spine road to the eastern property line, where interparcel access is proposed. Significant landscaping and berming is proposed around the perimeter of the site. An extensive discussion of site design and related features is provided in Community Planning's September 2005 referral, provided as part of *Attachment 1a, Page A-5*.

Of particular note regarding design of the site is the proposed reduction in the 300-foot open space easement along U.S. Route 50 to just 100 feet in width. The 300-foot easement, called for by the Retail Plan (Retail Plan, Policy 4, p. 11) is intended to provide usable open space on the site. The Applicant proposes to reduce this area to 100 feet in width, in accordance with Zoning Ordinance requirements, noting that usable open space will be provided as part of the Main Street concept for

the site. Staff supports this reduction as the Applicant has provided a firm commitment to the “Main Street” concept and has removed its previously-proposed direct access from eastbound U.S. Route 50. Both the DSAMP and the Revised Countywide Transportation Plan (Revised CTP) call for U.S. Route 50 to ultimately become a limited access highway (*DSAMP, text, p. 14 and Revised CTP, Appendix 1 – Design Guidelines, p. A1-10*). In order to support this conversion to a limited access facility and minimize interference with traffic flow, the Retail Plan states that retail uses will not have direct access to a principal arterial roadway (*Retail Plan, Policies 3 and 4a, pp. 6 & 8*). As such, the Applicant proposes its primary access to the site from Tall Cedars Parkway, with a secondary entrance from Pinebrook Road.

EXISTING SITE CONDITIONS

The subject property is characterized by generally level terrain, with tree cover on most of the site, except for the area located immediately along Pinebrook Road. The site drains toward the south, toward an area of minor floodplain (part of Elk Lick Run) and ultimately to the Occoquan Reservoir. Site characteristics are described in greater detail in the Community Planning and Environmental Review Team referrals, provided as *Attachment 1a, Page A-1, and Attachment 1e, Page A-74*. Main issues related to existing site conditions are discussed below.

Forests, Trees & Vegetation

A key element of preserving existing site conditions is the integration of existing trees and vegetation into the design of new developments. The County’s forests and trees improve air and water quality, offer important habitat for birds, small mammals and other wildlife, and are excellent buffers between communities. Forests and trees conserve energy by providing shade and evaporative cooling through transpiration. They also redirect airflow and reduce wind speed, stormwater runoff, and soil erosion (*Revised General Plan, text, p. 5-32*). Furthermore, existing vegetation is a superior habitat resource for new tree plantings because they retain essential ecosystem components that support tree and forest re-growth (*Revised General Plan, text, p. 5-32*).

The majority of the existing vegetation on the site is proposed to be removed in order to develop the site as a commercial center; the predominant forest cover on the majority of the site is Eastern Red Cedar and Virginia Pine, much of which is not suitable for preservation. It is feasible, however, and desirable to incorporate some of the existing vegetation, where appropriate, into the landscaped buffer along the site’s eastern boundary; the Applicant has included a proffer to this effect.

Surface Water

Protecting groundwater and surface water (e.g., streams and wetlands) from contamination and pollution is a major water resource issue for the County (*Revised General Plan, Text, p. 5-12*). The County supports the federal goal of no net loss of wetlands in the County (*Revised General Plan, Policy 23, p. 5-11*). Plan policies call for the County to work with the U.S. Army Corps of Engineers regional office to regulate wetlands outside of river and stream corridors (*Revised General Plan, Policy 13, p. 5-6*). Regarding stormwater management, the Revised General Plan encourages the use of Low Impact Design (LID) techniques (*Revised General Plan, Policy 2, p. 5-17*). LID is also an option under the Facilities Standards Manual (*FSM Section 5.230.A.12*). LID approaches seek to control runoff discharge, volume, frequency, and quality in order to mimic predevelopment runoff conditions through a variety of small-scale site design techniques. LID locates water quality measures in close proximity to proposed impervious areas.

As part of the installation of utilities to the Pinebrook/Avonlea development and related improvements to Pinebrook Road, the necessary County, State, and U.S. Army Corps of Engineers approvals have been granted to impact the existing wetlands areas on this site; notes provided in the plan set reflect these approvals, and construction of these improvements is underway. Further, the Applicant has responded to a staff request and has proffered to prioritize stream and wetland mitigation measures within the immediate area, subject to approval by the appropriate federal and state agencies. Additionally, the Applicant has committed to provision of LID techniques without limitation for control of stormwater runoff from the site.

Cultural Resources

The Revised General Plan states the County will require an archeological and historic resources survey as part of all development applications (*Revised General Plan, Policy 11, p. 5-36*). The County granted a waiver of the full Phase 1 archaeological survey requirement for this site, and the Applicant has provided staff with the requested reconnaissance-level architectural survey for an early 20th Century house (now demolished) that stood on the northwestern corner of the site. No further cultural resources work is necessary as part of this application.

ZONING

The Applicant has worked closely with staff to resolve outstanding zoning issues; responses from the Applicant include a much greater level of design commitment (both in the text of the proffer statement and on the proffered sheets of the CDP) than previously offered, and staff believes that the proposed “Main Street” design will be realized on the site. Language in the proffer statement (Proffer 1) contains sufficient detail to serve in lieu of separate design guidelines for the site. The three Zoning Ordinance modifications are discussed below beginning on Page 12; staff supports each of the modification requests.

TRANSPORTATION

The site is bounded by U.S. Route 50 (classified as an arterial) to the north; Pinebrook Road (a local road) to the west, and Tall Cedars Parkway (a major collector) to the south. In the future, at such time as U.S. Route 50 becomes limited access, the U.S. Route 50/Pinebrook Road intersection would be closed. Recent traffic studies note that this section of U.S. Route 50 currently operates at failing levels of service during peak hours, and is projected to remain in that condition even with the addition of a third lane in each direction. Construction of interchanges at Loudoun County Parkway and the West Spine Road are necessary for a long-term solution to this situation. Staff notes that a third eastbound lane on U.S. Route 50 has been proffered by the recently-approved Stone Ridge applications (ZMAP 2002-0013, ZCPA 2002-0004), with construction plans to be submitted to the County no later than June 2006. Construction of a relocated, four-lane undivided section of Pinebrook Road between U.S. Route 50 and Tall Cedars Parkway, as well as the southern (eastbound) two lanes of Tall Cedars Parkway from Pinebrook Road east to South Riding, were proffered as part of Pinebrook/Avonlea (ZMAP 2001-0004), and construction is underway at this time.

Regional Road Improvements/Contributions

The Applicant has proffered to construct the northern (westbound) two lanes of Tall Cedars Parkway across its southern frontage and, in response to a staff request, across the adjacent Busby Property. Completion of the off-site section across the Busby Property, in combination with fulfillment of other proffers from the approved Pinebrook/Avonlea rezoning approved in 2003, would result in a proffered four-lane section of Tall Cedars Parkway between Pinebrook Road and South

Riding, where four lanes are already completed and open to traffic. This off-site construction is critical given the current failing conditions on U.S. Route 50 by providing another alternative for local trips to and from the site without having to access U.S. Route 50. Regarding regional road contributions, the Applicant has responded to a staff request and has proffered \$2.2 million toward design or construction of a grade-separated interchange at Loudoun County Parkway and U.S. Route 50; this amount represents a fair-share percentage of the total estimated cost of the interchange (\$45 million) based on traffic generated by this development that would use the interchange. OTS referrals note that interchanges are integral to a long-term transportation solution in the U.S. Route 50 corridor.

Regarding traffic signals, the Applicant has provided signal warrant studies for the Pinebrook Road/Tall Cedars Parkway intersection as well as for the intersection of the main site driveway and Tall Cedars Parkway. The Applicant has proffered to install these signals when warranted (it is estimated that the signal at Pinebrook Road/Tall Cedars Parkway would be warranted at 150,000 sq ft of development on the site; the signal at Tall Cedars Parkway and the western site entrance is estimated to be warranted at 220,000 sq ft of development on the site). Should these signals not be warranted by the time of the zoning permit for the 250,000th sq ft of development on the site, cash contributions for each signal would be provided. As for the proposed signal at U.S. Route 50 and Pinebrook Road, that signal is to be installed by Pinebrook/Avonlea if warranted prior to the 350th zoning permit for that development; if not, a cash contribution would be provided. Although installation is likely due to warrants being met, should Pinebrook/Avonlea not install the signal, the Applicant has agreed to not pursue this project without such signal being in place, in effect agreeing to construct the signal if not completed by others.

Site Access

Regarding access to the site, the Applicant proposes two full access points along Tall Cedars Parkway, and a partial access point (with all movements except a left turn egress from the site) along Pinebrook Road. (Due to a number of issues, the Applicant has eliminated its proposed right-in access to the site directly from eastbound U.S. Route 50). These access points (as currently proposed) are the subject of the Applicant's requested Zoning Modifications (ZMODs), as the Revised 1993 Zoning Ordinance, in effect, limits access to small regional shopping centers exclusively from major collector roads (i.e., Tall Cedars Parkway). A potential interparcel access is also proposed with the Bryant Property, located to the east of the site. Each specific ZMOD request is discussed below beginning on Page 12, and staff is able to support the modifications regarding access as currently proposed.

Transit

In addition to the regional road contribution discussed above, the Applicant is also proposing a transit contribution totaling \$50,000.00 for a regional park and ride lot and/or other mass transit related facilities in the U.S. Route 50 Corridor. Such contribution would be made prior to the issuance of the first zoning permit for commercial development on the property.

Bicycle and Pedestrian

As part of the Applicant's apparent commitment to develop the site as a "Main Street" project, the draft proffers include such amenities as small public plazas/gathering spaces, pedestrian crosswalks on Tall Cedars Parkway, and landscaped areas between sidewalks and travelways internal to the site. The Applicant also commits to providing shared multi-use paths (10 feet in width) along adjacent roadways, including Pinebrook Road and Tall Cedars Parkway. Given the ultimate limited access condition of U.S. Route 50, as well as the primary role that Tall Cedars

Parkway will play in accessing the site in the future, the Applicant responded to a staff request and shifted the proposed multi-use path along U.S. Route 50 to the north side of Tall Cedars Parkway, along the southern boundary of the site. A 10-foot wide paved multi-use trail was proffered with the Pinebrook/Avonlea rezoning application for the south side of Tall Cedars Parkway, and an additional facility is necessary along the other (north) side of the roadway given proposed nearby commercial and residential uses.

UTILITIES

Public water and sewer are available by extension of existing nearby LCSA utilities. All wells and drainfields on the site will be properly abandoned.

EMERGENCY SERVICES

This site is currently served by the temporary Dulles South Safety Center (Company 19) on Defender Drive in South Riding, as well as the Arcola-Pleasant Valley Volunteer Fire Department (Company 9) on Gum Spring Road (Existing Route 659) in Arcola. The temporary facility on Defender Drive is scheduled to move to its permanent location near the intersection of Tall Cedars and Loudoun County Parkways by late 2006; the new location will be approximately 1¼ miles closer to the subject property (via Tall Cedars Parkway) than the current temporary facility. The Dulles South Safety Center will also include a satellite Sheriff's office. The Applicant has proffered a contribution of \$0.10 per gross square foot of commercial development on site (as measured by zoning permit) to the primary volunteer Fire and Rescue companies serving the property. If the project were to be built out, this contribution would total \$30,000.00 (\$30,000.00 in 1988 dollars escalates to approximately \$48,426.00 in 2005 dollars). The Applicant will comply with all building code requirements regarding fire protection, and will require all owners or occupants to comply with applicable fire protection requirements. There are no issues with access to the site; the Applicant has proffered, at a minimum, to provide all-weather compacted gravel access for emergency vehicles to the site prior to the first framing stage of development on the property.

COUNTY ATTORNEY

The Office of the County Attorney's most recent comments on the draft proffer statement (April 20, 2006) are provided as *Attachment 1j, Page A-91*. The Applicant has responded to the issues raised in these most recent comments; changes have been made and incorporated into the most recent draft proffer statement (April 24, 2006), provided as *Attachment 5, Page A-186*. The County Attorney has reviewed this document and has approved it as to legal form. Signed proffers will be available at the Board public hearing.

D. ZONING ORDINANCE MODIFICATIONS

Section 6-1504 of the Revised 1993 Zoning Ordinance states "The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. ... No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project."

The Applicant requests a total of three (3) Zoning Ordinance modifications, all of which are related to access to the site from various roadways (i.e., Tall Cedars Parkway and Pinebrook Road). In general, the Zoning Ordinance requires controlled access throughout the PD-CC districts by minimizing the potential incidents of traffic accidents associated with multiple entrances along high-speed roads. In PD-CC(SC) district, the intent is to provide controlled access exclusively through major collector roads (in this case, Tall Cedars Parkway). Staff can support the modification requests as currently proposed. Staff notes that the requested modifications are not mutually exclusive. Modifications 1 and 2 apply specifically to the PD-CC(SC) zoning district, while Modification 3 applies generally to all PD-CC zoning districts.

Modifications 1 and 2:

ZONING ORDINANCE SECTIONS 4-206(D)(3) AND 4-202(C) – MODIFICATION TO PERMIT DIRECT ACCESS TO A ROAD OTHER THAN A MAJOR COLLECTOR

“Section 4-206 – Building Requirements. (D) Vehicular Access. Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Each commercial center shall provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic. In addition, each commercial center shall provide convenient and coordinated vehicular access to public roadways only as follows: ... (3) Small Regional Centers. Major collector roads.” [EMPHASIS ADDED]

“Section 4-202 – Purpose, Size and Location of Individual Districts. (C) Small Regional Center (SC). This district is established to permit the development of small regional centers consisting of individual large and small scale commercial uses selling a broad range of goods or services to a market area beyond the local community. Specialty centers shall be located with controlled access to major collector roads and will be designed, landscaped, and buffered so as to be compatible with neighboring development. When mapped, such district shall be a minimum of twenty (20) acres and a maximum of sixty (60) acres.”

Proposed Zoning Ordinance Modification:

“...To allow an entrance onto Pinebrook Road, which will provide all turning movements other than a left turn egress movement from the site.”

Applicant's Justification:

“The standard for review for Request for Modification in a PD district is set out in Section 6-1504 in the Zoning Ordinance and requires the Board of Supervisors to find “that such modifications to the regulations will achieve an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulation.” The Applicant feels that the design of the project with a partial entrance on Pinebrook Road meets this test.

The Applicant has proposed an innovative urban Main Street design for a suburban center. This design functions with a pair of crossing, pedestrian friendly Main Streets. Parking is provided behind the shops and is accessed soon after entering on to the site. The reduction of site entries would detract from the pedestrian nature of the center.

The purpose of the existing regulations is to minimize entry from a small regional shopping center onto local roads, the purpose being not to overload the local roads. Those aims are achieved by the design of the partial entrance proposed by the Applicant on Pinebrook Road, which will, as a four lane, undivided road, have ample capacity.

Pinebrook Road actually meets the definition in Article 8 of the Revised 1993 Zoning Ordinance for a minor collector better than it does the definition of a local access road. The definition in the Zoning Ordinance for a minor collector road is “a publicly owned and maintained road generally serving different neighborhoods in providing a linkage to the major collector roads...” Pinebrook Road is being constructed as a four-lane, undivided road connecting Tall Cedars Parkway and several other residential communities below Tall Cedars Parkway with Route 50. Those residential neighborhoods include the Avonlea subdivision, the Townhouse at Avonlea subdivision, now in the zoning process, and a single family, detached residential project of Richmond American known as Providence Ridge.

Note also that the entrance point sought on Pinebrook Road is not a full entrance point. There will be both deceleration and acceleration lanes at the Pinebrook Road entrance. Consequently, interference with through traffic on Pinebrook Road will be minimal.

The Applicant also observes that the partial entrances on Pinebrook Road will meet the test of being an improvement over the existing regulations in that it will relieve pressure on the two principle entrance points that are designed from the project to Tall Cedars Parkway. The existence of the entrance point at Pinebrook Road will also relieve the southbound left turn movement from Pinebrook Road to eastbound Tall Cedars Parkway.”

Staff Analysis and Recommendation:

The Applicant proposes two full access points on Tall Cedars Parkway (i.e., the permanent primary (western) access and the temporary secondary (eastern) access (to be closed at such time as an alternate access on the adjacent Bryant Property is constructed). The Applicant also proposes an access point from Pinebrook Road, providing all turning movements except for a left turn egress movement from the site. The Applicant has provided staff with an analysis which demonstrates that the Pinebrook Road intersection will function at an acceptable level and will not require signalization and will alleviate pressure on the two Tall Cedars Parkway entrances, particularly during the period of time until the U.S. Route 50/Pinebrook Road intersection is closed (when U.S. Route 50 becomes limited access). All access points proposed by the Applicant are acceptable.

Modification 3:

ZONING ORDINANCE SECTION 4-206(E)(2) – MODIFICATION TO PERMIT AN INDIVIDUAL LOT OR USE TO HAVE DIRECT ACCESS TO A MAJOR COLLECTOR ROAD

“Section 4-206 – Building Requirements. (E) Development Setback and Access from Major Roads. In designing a planned shopping center development, the following requirements shall be observed: ... (2) Access. No individual lot or use created after adoption of this Ordinance shall have direct access to an arterial or major collector road.”

Proposed Zoning Ordinance Modification:

“To allow this 300,000 square foot shopping center to have direct access to Tall Cedars Parkway.”

Applicant's Justification:

"This section of the Ordinance seeks to restrict small, individual parcels from direct access to major roads. It is not intended to address the Applicant's situation, but does on its face.

The Applicant references Section 4-206(D)(3) itself as justifying the proposed entrances onto Tall Cedars Parkway.

The Applicant notes that on its face, Section 4-206(E)(2) would require the project to have access only to Pinebrook Road, a patently inappropriate result."

Staff Analysis and Recommendation:

Staff understands that there will be multiple users in this retail center, though it is currently uncertain whether the project will be developed under single or multiple ownerships with individual or multiple lots. Should this rezoning application be approved, in order to facilitate implementation at the time of site plan, a ZMOD to allow individual lots and uses to access Tall Cedars Parkway is appropriate. Staff therefore supports a temporary second (eastern) access from Tall Cedars Parkway. The Applicant has agreed to close its eastern access from Tall Cedars Parkway at such time as an alternate entrance is approved and constructed on the western portion of the Bryant Property (immediately to the east of this site), providing reasonable access to the Avonlea Plaza development from Tall Cedars Parkway. A coordinated access point serving both projects is necessary to meet VDOT median crossover spacing requirements.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states " ... (i)f the application is for reclassification of property to a different zoning district classification on the Zoning Map ..., the Planning Commission shall give reasonable consideration to the following matters ...":

Standard *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

Analysis The proposed rezoning is consistent with the land use policies of the Revised General Plan, which recommends Corridor Retail development in this location. The proposed "Main Street" design of the site is in accordance with design guidelines outlined in the Countywide Retail Policy Plan Amendment (Retail Plan).

Standard *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

Analysis This is one of a number of pending and/or anticipated rezoning applications in the immediate area that propose retail uses.

Standard *Whether the range of uses in the proposed zoning district classification is compatible with the uses permitted on other property in the immediate vicinity.*

Analysis The commercial uses proposed on the site are compatible with surrounding properties. Sufficient distance exists between the site and residential uses (the approved Pinebrook/Avonlea and Townes of Avonlea developments) to the south of Tall Cedars Parkway.

<u>Standard</u>	<i>Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.</i>
<u>Analysis</u>	Adequate utilities exist on or near the site. The Applicant's proposed proffer contributions mitigate the transportation impacts generated by the development.
<u>Standard</u>	<i>The effect of the proposed rezoning on the County's ground water supply.</i>
<u>Analysis</u>	The development is proposed to be served by public water and sewer. Any and all wells and drainfields on the property would be properly abandoned.
<u>Standard</u>	<i>The effect of the uses allowed by the proposed rezoning on the structural capacity of the soils.</i>
<u>Analysis</u>	The Applicant has committed to the use of low-impact design (LID) techniques on site.
<u>Standard</u>	<i>The impact that the uses permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.</i>
<u>Analysis</u>	The Applicant mitigates its transportation impacts through appropriate off-site regional road improvements and cash contributions. Safety and operational concerns regarding the proposed direct access to the site from eastbound U.S. Route 50 have been resolved by the Applicant's removal of the proposed entrance.
<u>Standard</u>	<i>Whether a reasonably viable economic use of the subject property exists under the current zoning.</i>
<u>Analysis</u>	The property historically has been zoned to allow commercial uses. The proposed rezoning to the PD-CC(SC) district is more consistent with Plan policies than the existing CLI zoning, particularly with the design commitments being proffered with this application.
<u>Standard</u>	<i>The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.</i>
<u>Analysis</u>	The Applicant proposes to incorporate existing tree cover in to the site's eastern buffer, and has committed to provision of low-impact design (LID) stormwater management techniques on the property.
<u>Standard</u>	<i>Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.</i>
<u>Analysis</u>	The application proposes commercial development in an area planned for such uses.

<u>Standard</u>	<i>Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.</i>
<u>Analysis</u>	The proposed rezoning is in conformance with the land use policies of the <u>Revised General Plan</u> , which call for Corridor Retail development at this location.
<u>Standard</u>	<i>Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.</i>
<u>Analysis</u>	The proposal would provide the rapidly-developing surrounding area with necessary retail and commercial services.
<u>Standard</u>	<i>Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.</i>
<u>Analysis</u>	The proposed rezoning is consistent with the land use policies in this part of the County as set forth in the <u>Revised General Plan</u> , which calls for Corridor Retail development in this area.
<u>Standard</u>	<i>Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.</i>
<u>Analysis</u>	The proposed rezoning is consistent with the planned land use in this part of the County. There would be no direct impact on housing or schools as a result of this commercial proposal. The Applicant adequately mitigates its transportation impacts through proposed improvements to the nearby regional road network through construction or cash contributions.
<u>Standard</u>	<i>The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.</i>
<u>Analysis</u>	Not applicable.
<u>Standard</u>	<i>The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.</i>
<u>Analysis</u>	The Applicant's proposed design largely respects the site's natural features and incorporates existing tree cover into a required buffer yard and commits to site-specific low-impact design (LID) stormwater management techniques. The Applicant has been granted a waiver of the Phase 1 archaeological survey requirement, and appropriate cultural resources documentation on the site has been provided.

V. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning Department, Community Planning (12/6/05, 9/20/05, 10/27/04)	A-1
b. Building & Development, Zoning Administration (12/12/05, 10/26/05, 9/16/04)	A-32
c. Office of Transportation Services (OTS) (12/8/05, 8/24/05, 10/1/04)	A-48
d. Virginia Department of Transportation (VDOT) (1/18/06, 12/12/05, 11/9/05, 8/24/05, 10/7/04, 9/28/04)	A-64
e. Building & Development, Environmental Review Team (ERT) (12/15/05, 10/4/05)	A-74
f. Loudoun County Health Department, Environmental Health (9/21/04)	A-80
g. Loudoun County Sanitation Authority (LCSA) (9/24/04)	A-81
h. Virginia Department of Conservation & Recreation (VA-DCR) (9/16/04)	A-82
i. Fire and Rescue Services (9/8/05, 9/27/04)	A-84
j. Office of the County Attorney (4/20/06)	A-91
2. Disclosure of Real Parties in Interest	A-93
3. Applicant's Statement of Justification (Revised 4/10/06)	A-96
4. Applicant's Response to Referral Agency Comments (Rec'd 12/19/05, 11/4/05, 6/21/05)	A-110
5. Proffer Statement (Revised 4/24/06)	A-186
Zoning Modification Requests/Justifications (Revised 4/10/06)	
6. Concept Development Plan (Revised 4/10/06)	Follows A-209

NOTE: Attachments are not available electronically, but may be viewed at the Planning Department Front Counter or in the Building & Development File Room.